

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Gabriel Tepepa, et al.,

Plaintiffs,

-against-

The Ribbon Worldwide 44 LLC d/b/a Bacall's  
Restaurant, et al.,

Defendants.

1:24-cv-01855 (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

This case contains one or more claims arising under the Fair Labor Standards Act. A settlement was reached by the parties at a settlement conference before me on July 29, 2024. The parties thereafter consented to have all proceedings held before me. (ECF No. 27.) On August 1, 2024, the Court entered an Order directing the parties to provide a copy of the settlement agreement to the Court together with a letter explaining why the settlement, including any provision for attorney's fees and costs, is fair, reasonable and adequate under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (See 8/1/24 Order, ECF No. 28.)

On September 27, 2024, the parties submitted the required letter and, on September 30, 2024, filed a fully-executed version of the proposed settlement agreement. (9/27/24 Letter, ECF No. 35; Settlement Agreement, ECF No. 36.) Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiffs' claims as well as the risks and expenses involved in additional litigation. See *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012).

As part of the settlement, Plaintiffs seek approval of \$13,116.75 in attorneys' fees and costs, which is one-third of the settlement amount plus \$616.75 in costs. (See 9/27/24 Letter at 3-4.) "The fairness review required by *Cheeks* 'extends to the reasonableness of attorneys' fees and costs.'" *Almanzar v. Silver Star Properties Corp.*, No. 23-CV-00819 (GWG), 2023 WL 6979460, at \*2 (S.D.N.Y. Oct. 24, 2023) (quoting *Fisher v. SD Prot. Inc.*, 948 F.3d 593, 606 (2d Cir. 2020)).


The Court finds that the requested attorneys' fees are reasonable. "Courts in this Circuit routinely approve of one-third contingency fees for FLSA cases." *Garay v. Euro Metalsmith*, No. 23-CV-03451 (ARR) (JMW), 2023 WL 8435866, at \*6 (E.D.N.Y. Dec. 5, 2023). Accordingly, the Court approves the requested attorneys' fees.

Finally, the Court finds the requested costs to be reasonable. Plaintiffs' attorneys seek costs of \$405 in filing fees and \$211.75 in service of process costs (see Expense Records, ECF No. 35-2, at 5-7), "which are costs that are routinely recoverable in litigation[.]" *Puerto v. Happy Life Home Health Agency Inc.*, No. 23-CV-04915 (GWG), 2023 WL 8258103, at \*3 (S.D.N.Y. Nov. 29, 2023) (internal quotation marks and citation omitted).

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement. The Clerk of Court is respectfully requested to close this case.

**SO ORDERED.**

Dated: New York, New York  
October 1, 2024

  
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STEWART D. AARON  
United States Magistrate Judge